United Nations A/C.5/52/SR.34

General Assembly
Fifty-second session

Official Records

Distr.: General
10 December 1997

Original: English

Fifth Committee

Summary record of the 34th meeting
Held at Headquarters, New York, on Monday, 1 December 1997, at 3 p.m.

Chairman: Mr. Chowdhury ..... (Bangladesh)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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97-83357 (E)

The meeting was called to order at 3.10 p.m.

Agenda item 135: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/51/976; A/52/520 and A/52/696; A/C.5/52/4 and Corr.1)

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1. **Mr. Halbwachs** (Controller) said that the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law committed in the Territory of the Former Yugoslavia since 1991 (A/C.5/52/4 and Corr.1) requested resources for the period from 1 January to 31 December 1998. The total amount of $64.2 million net reflected an increase of $15.6 million and an additional 204 posts over the levels authorized for 1997. The post increase would bring the total number of staff to 571, including the conversion of 52 posts occupied by gratis personnel to new temporary posts. It was expected that no further use would be made of gratis personnel after 1998.

2. The proposed level of resources took into account the restructuring of the International Tribunal to enable it to meet future demands. Currently, 20 people were in custody in The Hague; five of them were currently being prosecuted, 13 were awaiting trial and two had appeals pending. In 1998, 12 full-scale investigations and increased trial activities would be undertaken, in accordance with the International Tribunal's mandate to provide fair trials without undue delay. The proposed level of resources took into account the requirements for investigation, prosecution, defence counsel fees and associated costs, as well as the proposed construction of a second courtroom and the costs of its equipment and operation.

3. The report of the Secretary-General on the financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/C.5/52/13) also requested resources for the period from 1 January to 31 December 1998. The total amount of $52.9 million net reflected an increase of $16.9 million and an additional 167 posts over the levels authorized for 1997. The post increase would bring the total number of staff to 584, including the conversion of two posts occupied by gratis personnel to new temporary posts.

4. Currently, 21 people were in detention in Arusha. It was expected that six cases would be tried in the International Criminal Tribunal's two courtrooms in 1998. In view of the progress of the three cases currently before the International Criminal Tribunal, it was expected that appeals would be lodged in early 1998. The pace of investigation and prosecution was to be increased in the coming year, and requirements for support services would increase according to the complexity of the logistics involved and the number and frequency of proceedings. The proposed resource level took into account the restructuring of the International Criminal Tribunal to meet future demands. The overall level of resources reflected the scope and magnitude of the operations required of the International Criminal Tribunal to enable it to fulfil its mandate as soon as possible, as required by the General Assembly.

5. The General Assembly had decided, with respect to both Tribunals, to review the question of their financing at its current session. The financing mechanism designed in 1995 had worked well as a method of apportioning the expenses of the Tribunals. However, in discussing the future financing of the two Tribunals, the Committee should bear in mind that the unencumbered balance of the Special Account for the United Nations Assistance Mission for Rwanda (UNAMIR) had almost been depleted (as noted in document A/C.5/52/13, paragraph 77) and that the unencumbered balance of the United Nations Protection Forces (UNPF) account had been completely depleted, as noted in document A/C.5/52/4, paragraph 83.

6. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) introduced the Advisory Committee's report on conditions of service for the judges of the two Tribunals and the 1998 budget estimates for the International Tribunal for the Former Yugoslavia (A/52/696) and its report on the 1998 budget estimates for the International Criminal Tribunal for Rwanda (A/52/697). The Advisory Committee had already submitted recommendations to the General Assembly on emoluments

and other related matters, and would address the issue of pension entitlements in 1998.

7. Of the estimated amount of $71.1 million gross for the International Tribunal for the Former Yugoslavia, $38.5 million gross related to staff costs; 204 additional posts had been proposed. Of the estimated amount of $58.9 million gross for the International Criminal Tribunal for Rwanda, $38.7 million (net of staff assessment) related to staff costs; 165 new posts had been proposed. Both Tribunals were to phase out the use of gratis personnel.

8. The Advisory Committee welcomed the improvement in the presentation of the estimates for both Tribunals, and particularly the introduction of performance indicators. The Advisory Committee's exchange of views with representatives of the Secretary-General and of the two Tribunals had enabled it to appreciate recent developments and the magnitude and complexity of the task before the two Tribunals. In previous reports the Advisory Committee had submitted many recommendations, which had been endorsed by the General Assembly and had been or were still being implemented. At the current stage of the Tribunals' work, adequate resources should be made available to enable them to complete their investigation caseload as soon as possible and to speed up the trial of suspects already in custody. Misplaced economies could result in far greater and more prolonged expenditure in the future; the additional space requested for both Tribunals must therefore be provided. Annex III to the Advisory Committee's report on the estimates for the International Tribunal for the Former Yugoslavia (A/52/696) provided a justification for the construction of a second courtroom. The United Nations could not risk being sharply criticized for holding suspects in custody for long periods simply because it lacked funds or courtroom space. One of the primary obligations of the two Tribunals was to provide for trial without undue delay, as mandated by their Statutes.

9. In the light of those considerations, the Advisory Committee recommended only minor changes to the estimates proposed for the two Tribunals. It recommended acceptance of the posts requested for both Tribunals; however, after reviewing the recruitment capacity of the Secretariat and the Tribunals, and taking into account the current vacancies in the respective staffing tables, it had recalculated the staff costs using a vacancy factor which was higher than that used by the Secretariat. On the basis of that recalculation and the minor changes recommended in its reports, the Advisory Committee recommended that, for 1998, the amount of $68.8 million gross ($62.3 million net) should be appropriated for the International Tribunal for the Former Yugoslavia, and that the amount of $56.7 million gross ($50.8 million net) should be appropriated for the International Criminal Tribunal for Rwanda. The amount to be assessed on Member States for the International Tribunal for the Former Yugoslavia would have to take into account a projected unspent balance for 1997 of $10.2 million.

Agenda item 114: Review of the efficiency of the administrative and financial functioning of the United Nations (*continued*) (A/49/368 and Corr.1, A/49/471 and Corr.1 and A/49/633; A/51/674)

10. **Mr. Sial** (Pakistan), speaking in his capacity as the coordinator of the informal consultations on the strengthening of external oversight mechanisms, said that the Committee had been unable to reach a consensus on a draft resolution on that issue in informal consultations. In view of the time constraints, he proposed that the Committee should defer consideration of the question of the strengthening of external oversight mechanisms under item 114 until the resumed fifty-second session, and should request the officers of the Committee to decide when the issue should be considered.

11. *It was so decided.*

The meeting rose at 3.30 p.m.